

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:20-CV-00693-M

ANGELA PARTIN,)
)
 Plaintiff,)
)
 v.) ORDER
)
 KILOLO KIJAKAZI,)
 Acting Commissioner of Social Security,)
)
 Defendant.)
)

This matter comes before the court on the parties' cross-motions for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. DE 22, 24. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Brian S. Meyers entered a memorandum and recommendation ("M&R"), recommending that the court deny Plaintiff's motion, grant Defendant's motion, and affirm the Acting Commissioner's decision. DE 29. Plaintiff timely filed a letter the court construes as an objection to the M&R. DE 30.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). "However, the district court need not conduct de novo review when a party makes general and conclusory objections that do not direct the court to a specific error in the

magistrate judge's proposed findings and recommendations." *Norris v. South Carolina*, 18 F. App'x 171, 172 (4th Cir. 2001) (unpublished) (citing *Orpiano v. Johnson*, 687 F.2d 44, 47–48 (4th Cir.1982)). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Even under the liberal construction afforded to pro se filings, Plaintiff's letter does not direct the court to any specific error in the M&R. Plaintiff asserts, "I am disabled." DE 30. She also restates that she experiences difficulties performing certain tasks. *See id.* The ALJ considered Plaintiff's statements about her limitations, *see* DE 29 at 5 (citing Tr. 26), and Plaintiff does not include any argument about the M&R's findings. De novo review is thus unnecessary.

Upon careful review of the M&R and the record presented, and finding no clear error, the court ADOPTS the recommendation of the magistrate judge as its own. For the reasons stated therein, Plaintiff's motion for judgment on the pleadings [DE 22] is DENIED, Defendant's motion for judgment on the pleadings [DE 24] is GRANTED, and the Acting Commissioner's decision is affirmed. The Clerk of Court is directed to close this case.

SO ORDERED this 22^d day of March, 2022.


RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE